

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR354
)	
v.)	
)	
CRYSTAL D. SNOWDEN,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the report and recommendation and order of the magistrate judge (Filing No. 32), recommending defendant's motion to suppress (Filing No. 14) be denied, and the defendant's objections thereto (Filing No. 36). The Court has reviewed the transcript (Filing No. 34), the findings, and report and recommendation of the magistrate judge, the defendant's objections, and the briefs filed by the parties. Defendant's objections center around the magistrate judge's findings of credibility.

If the testimony of the police officers is found to be credible, clearly the report and recommendation should be approved and adopted. The magistrate judge had the opportunity to listen to the witnesses, to view them while they were testifying, and he reached a conclusion that the testimony of Officer Butler, in particular, was credible. This finding and the resulting order are not clearly erroneous or contrary to law,

and the Court finds that the report and recommendation should be approved and adopted. Accordingly,

IT IS ORDERED:

1) The report and recommendation of the magistrate judge is approved and adopted; defendant's objection is overruled and the motion to suppress is denied.

2) Trial of this matter is scheduled for:

Monday, May 7, 2007, at 9 a.m.

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, or as soon thereafter as may be called by the Court. In order to give counsel adequate time to prepare for trial, and to accommodate the Court's trial schedule, the matter is continued until that date. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between April 5, 2007, and May 7, 2007, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 5th day of April, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court